

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

SUSAN MARCERO,

Plaintiff

v.

WALMART, INC., and WALMART
STORE #2255,

Defendants

CIVIL ACTION – LAW

JUDGE: _____

NO.: _____

NOTICE OF REMOVAL

NOW COME the Defendants to this matter, WALMART, INC., and WALMART STORE #2255 (correctly, only, “WAL-MART STORES EAST, L.P.”), through counsel, Thomas, Thomas and Hafer, LLP, and hereby file this Notice of Removal based upon the following:

1. The above-described action was commenced by the Plaintiff filing a Writ of Summons against Defendants in the Court of Common Pleas for Luzerne County, Pennsylvania on December 7, 2021.
2. Thereafter, Plaintiff filed a Complaint setting forth her claim(s) for relief on April 13, 2022. (A true and correct copy of the Complaint is appended hereto and incorporated by reference herein as Exhibit “A”.)

3. Defendants were served with the Complaint on April 13, 2022.

4. Plaintiff resides and is domiciled in Luzerne County, Pennsylvania, having an address, upon information and belief, at 1512 Hazleton Apartments, Hazle Township, Pennsylvania, and is a citizen of the Commonwealth of Pennsylvania. See, Ex. A.

5. The proper Defendant, Wal-Mart Stores East, L.P., is a foreign limited partnership formed in Delaware with a principal place of business in Bentonville, Arkansas. See, Ex. A.

6. The Partners of Wal-Mart Stores East, L.P., are WSE Management, LLC (general partner), and WSE Investment, LLC (limited partner). Both are Delaware limited liability companies with principal places of business in Arkansas. The sole member of WSE Management, LLC, and WSE Investment, LLC, is Wal-Mart Stores East, LLC, an Arkansas limited liability company with a principal place of business in Bentonville, Arkansas. The sole shareholder of Wal-Mart Stores East, LLC, is Walmart, Inc. (formerly known as Wal-Mart Stores, Inc.), a Delaware corporation with a principal place of business in Arkansas. Accordingly, no partner or controlling entity of Defendant, Wal-Mart Stores East, L.P., is a citizen of or has a principal place of business in the State of Pennsylvania.

7. A fair reading of the Complaint and the allegations of damages asserted therein establish that the amount in controversy in the underlying action is believed to exceed \$75,000, exclusive of interest and costs. See, Ex. A.

8. This Court has jurisdiction over this matter pursuant to 28 U.S.C.A. §1332, and the case is removed to this Court pursuant to 28 U.S.C.A. §1441(b). This Notice is filed timely under 28 U.S.C.A. §1446(b), in that less than 30 days have passed since Defendants were served with a copy of the initial pleading setting forth the Plaintiff's claim for relief.

9. Written notice of filing of this Notice of Removal shall be given to all parties as required by 28 U.S.C.A. §1446(b).

10. A true and correct copy of this Notice of Removal is being filed with the Prothonotary in the Court of Common Pleas of Luzerne County, Pennsylvania, as required by 28 U.S.C.A. §1446(d).

WHEREFORE, Defendants, WAL-MART STORES, INC., d/b/a WALMART, WAL-MART STORES EAST, INC., d/b/a WALMART and WALMART (correctly, only, “WAL-MART STORES EAST, L.P.”), respectfully request that this action be Removed to the United States District Court for the Middle District of Pennsylvania.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

BY: *Ryan C. Blazure*

RYAN C. BLAZURE, ESQUIRE

PA Atty. ID No.: 84034

JOSEPH J. SHIELDS, ESQUIRE

PA Atty. ID No.: 312227

1065 Highway 315, Suite 403

Wilkes-Barre, PA 18702

P: (570) 820-0240 / F: (570) 825-5164

rblazure@tthlaw.com

jshields@tthlaw.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I, RYAN C. BLAZURE, ESQUIRE, hereby certify that on the 12th day of May 2022, I sent a true and correct copy of Defendants' Notice of Removal by electronic mail to:

Via Email: Cwf@570Law.com
Christian W. Francis, Esquire
Francis Law
600 Jefferson Avenue
Scranton, PA 18510

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

BY: *Ryan C. Blazure*

RYAN C. BLAZURE, ESQUIRE
PA Atty. ID No.: 84034
JOSEPH J. SHIELDS, ESQUIRE
PA Atty. ID No.: 312227

Attorneys for Defendants